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10/719,289	11/21/2003	Thomas R. Lemmons	UV-1 Cont. 5	2133
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ROPER & GRAY LLP PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704			EXAMINER ALAM, MUSHFIKH I	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/719,289

**Applicant(s)**

LEMMONS ET AL.

**Examiner**

MUSHFIKH ALAM

**Art Unit**

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-53 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2-53 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 11/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/226)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

1. Claims 2-53 are pending.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-12, 14-25, 27-38, 40-51, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al (US 5629733) in view of Rowe et al. (US 6008803).

Claim 2, Youman teaches a method for allowing a user to access interactive program guide features (TV guide, home theater, etc.) on a display screen (television), the method comprising:

- display a first display (fig. 11) on the display screen, wherein the first display comprises *one* of a program (television screen) and an interactive program guide display (i.e. with interactive listings) (fig. 11);
- receiving a menu input (i.e. MENU key) from the user subsequent to displaying the first display (i.e. display from BROWSE mode, fig. 11) on the display screen (col. 15, lines 20-25). *The user will first be in the BROWSE mode, i.e. mode corresponding to the first display, then upon a MENU key, the user will enter a different mode afterwards or subsequently.*

Youman is not entirely clear in disclosing a method for allowing a user to access interactive program guide features on a display screen, the method comprising:

- displaying, in response to the menu input, an interactive program guide menu in a second display that is displayed simultaneously with at least a substantial portion of the first display, wherein the interactive program guide menu simultaneously displays a plurality of menu choices corresponding to a plurality of display modes of the interactive program guide; and
- displaying, in response to receiving a user selection of a particular menu from the plurality of menu choices, program guide information that is associated with the particular menu choice.

Rowe teaches "an interactive program guide menu in a second display (listings) that is displayed simultaneously with a first display (categories)" (fig. 2-3).

- displaying, in response to the menu input (i.e. MENU input of Youman), an interactive program guide menu (figs. 2-3) in a second display (below preview window) that is displayed simultaneously with at least a substantial portion of the first display (preview window, 92), wherein the interactive program guide menu simultaneously displays a plurality of menu choices (categories) corresponding to a plurality of display modes (sports mode, talk shows mode, comedies, etc.) of the interactive program guide (figs. 2-3). *The preview window is the first display displayed with the second display. The first display is taught by Youman in a full screen mode. After a guide button depression is input, then the listings of Rowe is shown with respect to the combination.*
- displaying, in response to receiving a user selection (i.e. scrolling or selection of) of a particular menu choice from the plurality of menu choices (categories, i.e. sports, talk shows, etc.), program guide information (particular programs associated with category) that is associated with the particular menu choice.

Therefore, it would have been obvious to one of ordinary skill in the art to have provided simultaneous display of two display features as taught by Rowe to the system of Youman to enable guide selection while not missing the current program (col. 3, lines

7-27).

Claim 3, Youman teaches the method of claim 2 wherein the plurality of menu choices comprises (MENU mode i.e. depressing the mode key one or two times from FLIP or BROWSE mode) a menu choice corresponding to a program listings display mode (col. 15, lines 20-24).

Claim 4, Youman teaches the method of claim 3 wherein displaying program guide information associated with the particular menu choice comprises displaying a plurality of interactive program listings in response to receiving a user selection of the menu choice (choosing TV guide from MENU mode) corresponding to the program listings display mode (figs 6, 18).

Claim 5, Youman teaches the method of claim 2 wherein the plurality of menu choices comprises a menu choice corresponding to a program search display mode (fig. 38F; col. 15, lines 51-67; col. 31, lines 52-col. 32, lines 16). *Figure 38A displays an alternative menu screen that may be accessed by depressing the mode key a specified number of times.*

Claim 6, Youman teaches the method of claim 5 wherein displaying program guide information associated with the particular menu choice comprises displaying, in response to receiving a user selection of the menu choice corresponding to the program

search display mode, an interactive program guide interface from which the user can initiate a restrictive search (based of alpha characters) of a database of program schedule data (fig. 38F; col 31, lines 52-col. 32, lines 16).

Claim 7, Youman teaches the method of claim 2 wherein displaying the plurality of menu choices comprises a menu choice (e.g. BY TIME) corresponding to a day to view display mode (figs. 38A, 38B). *A user may change the day by using the left and right scroll arrows shown in figure 38B.*

Claim 8, Youman teaches the method of claim 7 wherein displaying program guide information associated with the particular menu choice comprises displaying, in response to receiving a user selection of the menu choice corresponding to the day to view display mode (e.g. BY TIME), a plurality of selectable day options (by scrolling through days) each corresponding to a unique day for which program schedule information is available, wherein program schedule information corresponding to a particular day option (e.g. TODAY) is displayed in response to the particular day option being selected (fig. 38B).

Claim 9, Youman teaches the method of claim 2 wherein the plurality of menu choices (TV guide, home theater, customer service) comprises a menu choice (favorite channel, fig. 7) corresponding to a favorite channel display mode (col. 25, lines 61-col. 26, lines 12).

Claim 10, Youman teaches the method of claim 9 wherein displaying program guide information associated with the particular menu choice comprises displaying, in response to receiving a user selection of the menu choice corresponding to the favorite channel display mode, an interactive program guide interface from which the user can select a favorite channel line-up (fig. 8 col. 25, lines 61-col. 26, lines 12).

Claim 11, Youman teaches the method of claim 2 wherein the first display (program signal) comprises video for the program and wherein displaying an interactive program guide menu comprises displaying the interactive program guide menu simultaneously with at least a substantial portion of the video for the program (fig. 5; col 11, lines 63-col 12, lines 11).

Claim 12, Youman teaches the method of claim 2 wherein the first display (program signal) comprises an interactive program guide display (FLIP, BROWSE, MENU overlay) and wherein displaying an interactive program guide menu comprises displaying the interactive program guide menu simultaneously with at least a substantial portion of the interactive program guide display (fig. 5, 6, 11).

Claim 14, Youman teaches the method of claim 2 further comprising displaying, in response to receiving from the user (i.e. through a remote control) (fig. 4) a user selection to view additional menu choices, new menu choices (customer service) in the

interactive program guide menu in place of the displayed menu choices (messages) (replacing messages with customer service) (fig. 6; col. 25, lines 61-col. 26, lines 12).

Claims 15-25, and 27 are analyzed as apparatuses of claims 2-12, and 14.

Claims 28-38, and 40 are also analyzed as apparatuses of claims 2-12, and 14.

Claims 41-51, and 53 recite a machine readable medium to perform the steps of claims 2-12 and 14 above. It is inherent that Youman contains a computer-readable medium to perform the steps of claims 2-12 and 14 as noted above.

4. Claims 13, 26, 39, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al (US 5629733) in view of Rowe et al. (US 6008803), and further in view of Hendricks (2005/0157217).

Claim 13, Youman is silent regarding the method of claim 2 further comprising:

- defining at a remote location operational parameters indicating default menu choices for the interactive program guide menu; and
- transmitting the operational parameters to user equipment; wherein displaying the interactive program guide menu comprises displaying the interactive program guide menu comprising the default menu choices.

Hendricks teaches the method further comprising:

- defining at a remote location (headend) operational parameters (menu driver access scheme) indicating default menu choices for the interactive program guide menu (p. [0014]); and



- transmitting the operational parameters to user equipment (subscribers); wherein displaying the interactive program guide menu comprises displaying the interactive program guide menu comprising the default menu choices (p. [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided menu functionality created at the headend as taught by Hendricks to the system of Youman to allow the user to sequence through the various menus (p. [0014]).

Claim 26 is analyzed as an apparatus of claim 13.

Claim 39 is also analyzed as an apparatus of claim 13.

Claim 52 recites a machine readable medium to perform the steps of claim 13. It is inherent that Hendricks contains a computer-readable medium to perform them steps of claim 13 as noted above.

### ***Response to Arguments***

5. Applicant's arguments filed 7/26/2010 have been fully considered but they are not persuasive.

Claims 2, 15, 28, 41 Applicant argues that the preview section in Rowe is always displayed together with the schedule display (Rowe, col. 14, lines 8-19.) Rowe fails to disclose displaying the preview section (i.e., the first display), and then receiving a user input subsequent to displaying the preview section.

In response to Applicant's argument, Youman is relied upon for teaching the first display (as shown in fig. 11) then receiving an input (MENU input) subsequent to displaying the first display. The combination is interpreted such that Youman teaches the functionality that a user is provided the main video signal and an interactive overlay. Then, upon a further MENU depression, Rowe brings in a more elaborate MENU screen with more functionality as shown in figs. 2-3.

Applicant further argues that Rowe does not discuss displaying the schedule display (i.e., the second display) in response to the user input from the preview section (i.e., the first display). In fact, Rowe's display behaves in precisely the opposite manner: the preview section is only populated with information when a user selects a particular listing in the schedule display (see Rowe's Fig. 10 and col. 18, lines 24-46, "in step 132, an inquiry is conducted to determine if the program represented by the selected program tile 66 is a current broadcast. If so ....the set-top converter 32 is tuned to the appropriate program channel to display the broadcast stream within the preview section 92").

In response to Applicant's argument, Youman is relied upon for teaching displaying a second display (i.e. via MENU input), from a first display (i.e. BROWSE mode) as discussed in the argument above. Rowe's preview window may be the broadcast of the original broadcast (col. 14, lines 9-19). Thus, the combination is interpreted for the steps of going from BROWSE mode if Youman, then receiving a MENU input of Youman, then displaying the interactive guide screen of Rowe. It is

within ordinary skill in the art to maintain that the preview screen would be a preview of the original broadcast (i.e. first display).

Applicant further argues that the intended purpose of Rowe's preview section is described as "provid[ing] an opportunity for the subscriber to easily identify and evaluated a selected program [from the schedule display]" (Rowe, col. 14, lines 34-42). Thus, including a first display that was displayed prior to a user input in the preview section would prevent the preview section from achieving its intended purpose: to provide information about a program currently selected in the schedule display.

The Examiner respectfully disagrees. Although, the preview window in a particular embodiment is providing an opportunity for the subscriber to easily identify and evaluated a selected program, the disclosure clearly states the preview window can show actual broadcast of a current program. Thus, when going from BROWSE mode screen of Youman (i.e. first display) to figs. 2-3 of Rowe keeping the current broadcast program in the preview window, does not destroy the intended purpose since the invention clearly states this as a feature (col. 14, lines 9-19 of Rowe).

### ***Conclusion***

6. Claims 2-53 are rejected.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hirl Joseph can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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